

**MINUTES OF THE MEETING
OF THE
BOARD OF NURSING**

November 16, 2006

Southeast Community College
Continuing Education Center
301 S 68th Place
Lincoln, Nebraska

Call to Order

Marcy Echternacht, President, called the meeting of the Nebraska Board of Nursing to order at 8:30 a.m. on November 16, 2006, in room 404 at the Southeast Community College Continuing Education Center. Copies of the agenda were sent to Board members and other interested persons, and posted.

Roll Call

The following members were present:

Marcy Echternacht, President
Mary Megel, RN, Vice-President
Jacqueline Ross, RN, Secretary
Mary Bunger, RN
Joyce Bunger, public member
Julie Brauer, RN
Dawn Nickel, LPN
Crystal Higgins, RN
Nancy Gondringer, RN
Lori Smith, RN
Deanna Lloyd, LPN
Sandra Mann, Public Member

The following members were absent:

Joyce Bunger, public member

A quorum of the Board was present and the meeting was convened. Also present from the Credentialing Division was Sheila Exstrom, RN, Nursing Education Consultant and Ruth Schuldt, RN Compliance Monitor. Present from the Attorney General's office was Terri Nutzman, JD and Lisa Anderson, JD, Assistant Attorneys General. Michael Grutsch,

Marletta Stark, RN, Peggy Persell, RN and Sharon Fitts, RN were present from the Investigation Division. Charlene Kelly, RN, Executive Director of the Board of Nursing arrived at 9:25 a.m.

Review of Agenda

The board reviewed the agenda.

1. Gondringer made the motion seconded by Mann **that the board adopt the agenda.**

Voting Aye: M Bunger, Megel, Ross, Nickel, Brauer, Higgins, Lloyd, Gondringer, Echternacht, Smith and Mann. Voting Nay: none. Abstain: none. Absent: J. Bunger.
Motion carried.

Review of the Consent Agenda

The board reviewed the consent agenda..

2. Brauer made the motion seconded by Megel **that the board adopt the consent agenda and approve the following:**

C.2. October 19, 2006 Education Committee meeting minutes

C.3. October 19, 2006 Practice Committee meeting minutes

3.1.4 Quarterly NCLEX® reports

4.4 Disciplinary actions/dismissals since last meeting

4.5 Probation monitoring update

Voting Aye: M Bunger, Megel, Ross, Nickel, Brauer, Higgins, Lloyd, Gondringer, Echternacht, Smith and Mann. Voting Nay: none. Abstain: none. Absent: J. Bunger.
Motion carried.

Approval of the Board Minutes

It was noted that the following changes to the October 18-19, 2006 minutes should be made:

On page 8 – first bullet change “by” to “be”

On page 10 – second line change “off” to “offer”

On page ____ – “Bunger” should be capitalized

The minutes were approved by consensus as corrected.

Types of Complaints Recommended to be Opened for Investigation

The board reviewed a potential list of types of complaints that the board recommends should be opened for investigation. The board approved the proposed list with the following revisions:

In #1 “Conviction of a Felony or Misdemeanor: a. Category 1 – Bad Checks – if more than 3 convictions” change to “No account bad checks – if more than 3 convictions.

Change #6 to read “A pattern of medication errors (other than minor incident that employer has handled internally).

Compact State Investigation Issues

A discussion was held on the procedures currently in place for communication between boards when more than one compact state is involved in a complaint/investigation. The discussion was tabled until later in the meeting when Kelly would be present.

Closed Session

3. Megel made the motion seconded by M. Bunger **that the board go into closed session for the purpose of reviewing investigation reports.**

Voting Aye: M Bunger, Megel, Ross, Nickel, Brauer, Higgins, Lloyd, Gondringer, Echternacht, Smith and Mann. Voting Nay: none. Abstain: none. Absent: J. Bunger.
Motion carried.

8:47 a.m. The board went into closed session.

9:20 a.m. Anderson and Gondringer left the meeting

9:25 a.m. Kelly arrived.

9:26 a.m. Brauer left the meeting.

9:31 a.m. Brauer returned to the meeting.

9:35 a.m. The meeting recessed.

9:45 a.m. The meeting reconvened in open session.

It was determined that Kelly and Grutsch will meet to discuss compact state investigation procedures according to the Nurse Licensure Compact, the compact rules and the compact policies and procedures.

4. Nickel made the motion seconded by Lloyd **that the board go back into closed session for the purpose of reviewing investigational reports.**

Voting Aye: M Bunger, Megel, Ross, Nickel, Brauer, Higgins, Lloyd, Echternacht, Smith and Mann. Voting Nay: none. Abstain: none. Absent: J. Bunger and Gondringer. Motion carried.

The board went back into closed session at 9:50 a.m.

10:30 a.m. Megel left the meeting and Gondringer returned to the meeting.

10:40 a.m. Megel returned to the meeting.

11:15 a.m. The meeting recessed.

11:25 a.m. The meeting reconvened.

11:45 a.m. Persell left the meeting.

12:10 p.m. Schuldt left the meeting.

12:14 p.m. The board recessed and then reconvened at 12:25 p.m. in closed session over lunch.

12:35 p.m. Higgins left the meeting.

12:45 p.m. Higgins returned to the meeting.

1:05 p.m. The meeting recessed.

1:15 p.m. The meeting reconvened.

1:25 p.m. The board came out of closed session. Gondringer left the meeting.

Based on the discussions held in closed session the following motions were made:

Karen Dominguez

5. Megel made the motion seconded by Nickel **that in the event Karen Dominguez declares Nebraska as her primary state of residence the board reinstate her RN license with a permanent limitation that she not care for patients under the age of 18. Her license would be on probation for two years with the following conditions: she must work under the direct supervision of an RN for the first year of probation and under indirect supervision of an RN during the second year of probation. She must practice nursing at least 64 hours per month. The usual terms of probation will also be imposed.**

Voting Aye: M Bunger, Megel, Ross, Nickel, Brauer, Higgins, Lloyd, Echternacht, Smith and Mann. Voting Nay: none. Abstain: none. Absent: J. Bunger and Gondringer. Motion carried.

Jolene Simon

6. Lloyd made the motion seconded by Nickel **that the board reinstate Jolene Simon's LPN license with no restrictions.**

Voting Aye: M Bunger, Megel, Ross, Nickel, Brauer, Higgins, Lloyd, Echternacht, Smith and Mann. Voting Nay: none. Abstain: none. Absent: J. Bunger and Gondringer. Motion carried.

Shelley Terzich

7. M. Bunger made the motion seconded by Smith **that the board reinstate Shelley Terzich LPN license on probation for 5 years with the following conditions: abstain from alcohol and controlled substances, provide verification from treating practitioner of all prescription medications, report all prescription medications, submit to random body fluid screens, comply with treatment recommendations, advise the Department of any professional counseling and submit reports, participate in three NA, AA, or other support group meeting each week, work under direct RN supervision for the first year of probation and indirect RN supervision during the second year of probation, have no access to controlled substances in the course or employment for the first year of probation and access to controlled substances only under supervision during the second year of probation, maintain active practice (minimum of 130 hrs per quarter), obtain a sponsor and the usual terms and conditions of probation.**

Voting Aye: M Bunger, Megel, Ross, Nickel, Brauer, Higgins, Lloyd, Echternacht, Smith and Mann. Voting Nay: none. Abstain: none. Absent: J. Bunger and Gondringer. Motion carried.

Baxter McNeal

8. Megel made the motion seconded by Lloyd **that the board grant Baxter McNeal a probationary RN license by examination. The probation will remain in effect until he completes his court-ordered probation. The following probationary conditions will be in effect: abstain from alcohol and controlled substances, provide verification from treating practitioner of all prescription medications, report all prescription medications, submit to random body fluid screens, comply with treatment recommendations, advise the Department of any professional counseling and submit reports, participate in one NA, AA, or other support group meeting each week, maintain active practice (minimum of 130 hrs per quarter), obtain a sponsor and the usual terms and conditions of probation.**

Voting Aye: M Bunger, Megel, Ross, Nickel, Brauer, Higgins, Lloyd, Echternacht, Smith and Mann. Voting Nay: none. Abstain: none. Absent: J. Bunger and Gondringer. Motion carried

Karmen Goerks

9. Nickel made the motion seconded by Brauer **that the board reinstate Karmen Goerks' LPN license with no restrictions.**

Voting Aye: M Bunger, Megel, Ross, Nickel, Brauer, Higgins, Lloyd, Echternacht, Smith and Mann. Voting Nay: none. Abstain: none. Absent: J. Bunger and Gondringer. Motion carried

Twila Hoferer

10. Brauer made the motion seconded by Lloyd **that the board issue an unrestricted RN license to Twila Hoferer.**

Voting Aye: M Bunger, Megel, Ross, Nickel, Brauer, Higgins, Lloyd, Echternacht, Smith and Mann. Voting Nay: none. Abstain: none. Absent: J. Bunger and Gondringer. Motion carried

Gennilee Woodburn

11. Smith made the motion seconded by M. Bunger **that the board issue an unencumbered RN license to Gennilee Woodburn pending successful completion of NCLEX-RN®.**

Voting Aye: M Bunger, Megel, Ross, Nickel, Brauer, Higgins, Lloyd, Echternacht, Smith and Mann. Voting Nay: none. Abstain: none. Absent: J. Bunger and Gondringer. Motion carried

Ashley Wroblewski

12. Smith made the motion seconded by M. Bunger **that the board issue an unencumbered RN license to Ashley Wroblewski pending successful completion of NCLEX-RN®.**

Voting Aye: M Bunger, Megel, Ross, Nickel, Brauer, Higgins, Lloyd, Echternacht, Smith and Mann. Voting Nay: none. Abstain: none. Absent: J. Bunger and Gondringer. Motion carried

1:35 p.m. Gondringer returned to the meeting.
Mann left the meeting.

December Meeting

It was noted that due to end of year vacations and medical leave of the investigators there will be very few, if any, cases for the board to review in December. It was decided not to hold a face to face meeting in December. The board will have a conference call beginning at 8:30 a.m. on December 21. The Education and Practice Committees are also scheduled to meet on December 21. Each committee will decide how they wish to conduct their business in December.

New Expense Reimbursement Form

Kelly reviewed the new expense reimbursement forms with the board. The purpose of the form is to avoid the need to send the expense reimbursement document to the board member for signature. The signature on the new form will be sufficient. This new process should result in board members receiving reimbursement in a more timely manner.

Compliance with Terms of Probation: A Retrospective Study of Disciplined Health Professionals in Nebraska

Juan Ramirez, PhD, Research Assistant with the Center for Nursing and Melissa Drozda, temporary employee in the Credentialing Division and graduate student in microbiology at the University of Nebraska presented data from a recently completed study on health professional's compliance with terms of probation. The study included all physicians, nurses, pharmacists and dentists placed on probation over an eight year period of time. The study compares characteristics of probationers who violated the conditions of probation with those who did not violate probation. Suggestions for implications for the findings were also presented. Each board member received a copy of the study and a copy of the slides from the presentation. A discussion period followed the presentation.

Practice Committee Report

M. Bunger reported on behalf of the Practice Committee. The committee responded to two practice questions:

1. It is not within the scope of practice for an LPN to fill an intrathecal infusion pump; and
2. It is within the scope of practice for an RN to determine the type and insertion location for a gastric tube.

The board directed that the second response related to decision making surrounding placement of gastric tubes be formed into an advisory opinion for publication and distribution by the Practice Committee.

Extra Pair of Hands Concept

13. The Practice Committee made the motion **that the board reaffirm the advisory opinion on the "Extra Pair of Hands" Concept.**

Voting Aye: M Bunger, Megel, Ross, Nickel, Brauer, Higgins, Lloyd, Echternacht, Smith, Gondringer and Mann. Voting Nay: none. Abstain: none. Absent: J. Bunger.
Motion carried

The committee is continuing the review advisory opinions for currency and consistency with scope of practice. The opinion on the nurse's role in cardioversion/defibrillation is currently being studied. The staff are drafting an advisory opinion on the nurse's duty to perform CPR in Assisted Living Facilities based on the discussion with representatives from the Nebraska Health Care Association who attended last month's board of nursing meeting. After the Practice Committee refines the opinion it will be brought to the board for review and consideration for approval.

2:45 p.m. Nutzman left the meeting.

Gondringer asked the board if any of their organizations have addressed the recent JCAHO requirements for physicians to obtain informed consent for all procedures. Discussion followed.

Communication with other Organizations

Board member were reminded that the Nursing Leadership Coalition (NLC) forum on Criminal Background Checks will be held tomorrow morning and the NLC annual meeting will be held in the afternoon.

Report on recent publications, consultation and speaking

Staff and board members reported on recent speaking engagements. Kelly noted that the latest issue of *Nursing News* is at the printer.

Education Committee

Megel gave an overview of the recent activities of the Education Committee. The committee offered the following recommendations:

Methodist College BSN Program

14. The Education Committee made the motion **that the Nebraska Board of Nursing approve the non-clinical elective course NS325 "Current Trends and Controversies in Transplantation" as submitted by Methodist College BSN Program.**

Voting Aye: M Bunger, Megel, Ross, Nickel, Brauer, Higgins, Lloyd, Echternacht, Smith, Gondringer and Mann. Voting Nay: none. Abstain: none. Absent: J. Bunger.
Motion carried

Western Nebraska Community College

The committee reviewed curriculum materials from Western Nebraska Community College. The materials were referred back to the program for additional information.

Hamilton College PN Program – Omaha

15. The Education Committee made the motion **that the board accept the site visit report as submitted by Iris Winkelhake and Sheila Exstrom and the response to the site visit report as submitted by Hamilton College, Omaha, and continue to approve the program on warning.**

Voting Aye: M Bunger, Megel, Ross, Nickel, Brauer, Higgins, Lloyd, Echternacht, Smith, Gondringer and Mann. Voting Nay: none. Abstain: none. Absent: J. Bunger.
Motion carried

16. The Education Committee made the motion **that the board accept the September quarterly report (embedded in “Response to Nebraska Board of Nursing Site Visit) dated October 9, 2006, as submitted by Hamilton College, Omaha, PN Program.**

Voting Aye: M Bunger, Megel, Ross, Nickel, Brauer, Higgins, Lloyd, Echternacht, Smith, Gondringer and Mann. Voting Nay: none. Abstain: none. Absent: J. Bunger.
Motion carried

17. Gondringer made the motion seconded by Lloyd **that the board allow a waiver for Diane Wilcoxon to be allowed to continue to teach at Hamilton College while finishing her BSN degree with quarterly updates on her progress toward BSN completion.**

Voting Aye: M Bunger, Megel, Ross, Nickel, Brauer, Lloyd, Smith, Gondringer and Mann. Voting Nay: Higgins and Echternacht. Abstain: none. Absent: J. Bunger.
Motion carried

Financial Report

The board reviewed the budget status report dated 10/31/2006.

Legislation/Regulation Update

Exstrom reported that 172 NAC Chapter 97 Regulations Governing Nursing Education Programs in Nebraska are awaiting approval by the governor.

Work continues on the revised regulations for CRNAs, CNMs, NPs and CNSs. The laws bringing all four groups under the APRN “umbrella” and the APRN board will be effective July 1, 2007.

Work on the bill to revise the Uniform Licensure Law (ULL) which will become the Uniform Credentialing Act (UCA) continues. Kelly urged board members to read the overview of changes impacting nursing in the upcoming issue of *Nursing News*.

National Council of State Boards of Nursing

Examination Committee: Exstrom reported on the first meeting of the Examination Committee held in October.

Bylaws: Kelly reported that the first meeting will be held November 27-29.

2007 Board of Nursing Meeting Dates

The board reviewed the draft schedule for 2007 meeting dates. Several members has conflicts with the meeting proposed for March 16 in Kearney. The March meeting was rescheduled for March 8 in a Lincoln location to be determined. It was suggested that the June meeting be held in a location outside of Lincoln. Cozad was suggested as a possible location. It was suggested that the September meeting be held at the Lied Center in Nebraska City.

Conclusions

Kelly will draft a follow-up letter to be sent to Bob Leopold and copied to Michael Grutsch, Bob Semerena and Helen Meeks informing Mr. Leopold that the board does not wish to receive the reports of cases not opened for investigation. The board directs that the report be sent to Karen Bowen for review. Bowen can communicate concerns related to any cases that were not opened to the Investigations Division on behalf of the board. The letter should request that the letter sent to complainants not include a reference that the complaint was reviewed by a board representative.

Adjournment

The meeting adjourned at 3:30 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Jacqueline Ross".

Jacqueline Ross, Secretary